

**For Official Use****English - Or. English****27 August 2024****COUNCIL****Council****IN-DEPTH EVALUATION OF THE COMPETITION COMMITTEE****Executive Summary****JT03548598**

---

## IN-DEPTH EVALUATION OF THE COMPETITION COMMITTEE

---

The Competition Committee (hereafter “the Committee” or “COMP”) was originally established in 1961 as the Committee of Experts on Restrictive Business Practices, to protect and promote competition as an organising principle of modern economies. According to its current mandate [[C\(2019\)117](#)], COMP’s main objective is to “protect and promote competition as an organising principle of modern economies, based on the knowledge that vigorous market competition boosts growth and employment and makes economies more flexible and innovative”. It has as peculiarity that its delegates are mainly Heads of independent national competition authorities.

The Committee’s substructure is composed of two Level II subsidiary bodies: the Working Party No. 2 on Competition and Regulation (WP2, established in 1994), and the Working Party No. 3 on Co-operation and Enforcement (WP3, in 1964). The former focuses on enhancing the effectiveness of procompetitive economic reform, while the latter on enhancing the effectiveness of competition law enforcement.

COMP’s work and objectives are highly relevant to the needs and interests of policymakers in OECD Members. This is illustrated by the very positive appraisal of the relevance of committee objectives expressed through the Member on-line survey, as well as by the very high levels of capital-based delegate attendance to committee meetings. One additional expression of the relevance and importance given to participation in COMP is the level of seniority of its delegates, who are generally heads of national competition authorities.

The results of the policy contribution case studies as well as the ratings obtained through the Programme Implementation Report (PIR) demonstrate a remarkably high level of impact of COMP’s work and products in OECD Members. The six contribution claims assessed in the context of this IDE were observed with a very high level of strength and frequency in the Members analysed. The high frequency and strength of the “igniter and motivator” claim is particularly noteworthy, illustrating COMP’s capacity to enable or expedite the introduction of high-level policy, legal or institutional changes in Members. The analysis also identified contributions which were not originally identified in COMP’s Theory of Change (ToC), which mainly refer to the use of COMP work in the context of academic research. All contributions were enabled by a balanced group of products from COMP’s portfolio including, *inter alia*, its highly visible and appreciated roundtables and hearings (and related background notes and written contributions), its Competition Assessment Toolkit, and selected legal instruments under its responsibility (e.g., Recommendations concerning Effective Action against Hard Core Cartels, on Fighting Bid Rigging in Public Procurement, and on International Co-operation on Competition Investigations and Proceedings). This notwithstanding, some of COMP’s legal instruments appear to have limited visibility and levels of use, and might need to be reviewed to ensure their continued relevance and effectiveness.

COMP’s strong collaborations with non-OECD Members as well as the focus set in COMP’s PWB on enhancing capacities of non-Members, created the enabling conditions for the achievement of substantial contributions to competition policy and law outside of OECD Membership. This is illustrated by the contributions identified in non-Members that engage extensively with COMP such as Brazil, an Associate in the Committee, or Peru and Ukraine.

Despite its significantly strong policy impact, several hindering factors were identified that may keep the Committee from achieving more frequent policy contributions. These relate to the need to improve the management and format of meetings, the lack of a stronger visibility of the Committee among competition policymakers and legislators, and the limited exposure and integration of COMP in the work of other OECD committees.

---

Delegate appreciation of COMP functioning is globally positive. However, the IDE identified some highly unique functioning practices. While in some cases these practices have contributed to the achievement of a strong policy impact, in other cases these may generate risks for the Committee. In terms of its governance, while the yearly designation of a very large bureau has improved the geographical and gender diversity within the bureau and speaks highly of delegates' interest to contribute to the steering of COMP's work, this may also be detrimental to the bureau's ability to provide swift advice and create a more intimate setting for high-level strategic discussions. A large bureau may also be limiting the levels of participation of the broader delegate community in key processes, such as the Programme of Work and Budget (PWB) development process. In the same vein, the current Chair has been an outstanding ambassador for the Committee and has greatly contributed to forging COMP's good reputation and high visibility and influence. However, his longevity as Chair of the Committee stands out compared to the practice of other OECD bodies.

While COMP's substructure displays high levels of internal co-ordination, the evaluation also shows that in practical terms, COMP's Level II subsidiary bodies have limited levels of autonomy in defining and implementing their programmes of work. This is in part illustrated by their bureaus being constituted only by Chairs. As a result, the existence of these subsidiary bodies is justified mainly by the interest to manage and rationalise COMP's work programme, and set an emphasis on some priority areas, rather than expand its delegate base / target audiences and the scope of its work to other relevant areas, and support the achievement of its mandate.

COMP has developed very strong and productive collaborations with non-Members, other regional and international networks and fora working on competition, as well as with the European Union (EU). These partnerships have contributed to the achievement of COMP's ambitions and have allowed to reach audiences well beyond OECD policymakers. In contrast, the levels of collaboration with other OECD bodies and directorates are comparatively more limited, especially given the important size of COMP and cross-cutting nature of its work.

Delegates appreciate the collaborations with the private sector, including with Business at OECD (BIAC), and consider them vital to the achievement of COMP's mandate. However, there are also calls for the Committee to develop and communicate more clearly on the guidelines regarding the involvement and participation of private sector representatives in committee work. This is particularly relevant for COMP given the sometimes sensitive and confidential nature of the discussions held among competition authorities.

COMP's unique approach to communications based on, *inter alia*, the use of a flexible policy to the distribution of a significant share of the content it generates, has greatly contributed to driving its effectiveness. However, the approach it has adopted to communicate its work is not risk-free. This is illustrated by COMP's use of a flexible approach to product dissemination which has allowed for high levels of dissemination, and to reduce time to publication of key products. Yet this approach has also limited the dissemination of its products on the OECD's main corporate platform (i.e. iLibrary), effectively creating a subspace for dissemination within the OECD's web architecture and environment and limiting the OECD's capacity to monitor the level of access to these documents. This has clear implications for the sustainability of this model as illustrated by the challenges COMP may face while transitioning its ad-hoc web presence to the new OECD web environment currently being developed.

#### Assessment

**Relevance:** High to Very High

**Effectiveness:** Very High

**Quality of Committee Products:** Very High

**Committee functioning:** Satisfactory

## Recommendations

**Recommendation 1:** The Committee should continue to ensure the continued relevance and impact of the legal instruments under its responsibility, paying specific attention to the few that are less visible / less used.

---

**Recommendation 2:** To further strengthen its policy impact, the Committee should reflect on how it can further support independent competition agencies in raising the visibility of the work of the Committee across different governments agencies and the broader competition policy community.

---

**Recommendation 3:** The Committee should review its working methods to ensure full alignment with the OECD's rules and established practice, in particular to strengthen the efficiency and robustness of committee steering by its bureau.

---

**Recommendation 4:** The Committee should implement measures to better monitor the delivery of outputs and activities against its priority themes, as set out in its PWB; as well as to monitor progress towards impact of its work against its mandate objectives and expected outcomes.

---

**Recommendation 5:** The Committee should enhance the participatory nature of key decision-making processes, including the PWB development and mandate renewal. This could be accompanied by clearer guidance regarding the distribution of roles in such processes between the secretariat, the Chairs and bureaus of the committee bodies, and the broader delegate community (e.g., development of a delegate handbook).

---

**Recommendation 6:** The Committee should reflect on how it can further leverage its level II subsidiary bodies to enhance its impact and support the delivery of its work programme. This could include enhancing the flexibility given to these subsidiary bodies in developing their own steering mechanisms and defining their projects and activities, in co-ordination with the COMP bureau.

---

**Recommendation 7:** The Committee should seek to enhance its collaborations with other relevant OECD bodies, as a means to further promote its work, including its standards, beyond its delegate community and competition agencies.

---

**Recommendation 8:** Given the frequently sensitive and confidential nature of the discussions held among independent competition authorities, the Committee should reflect on the need to develop guidelines (or make existing guidelines better known), for dissemination of information among delegates, regarding the participation of private sector representatives in its activities and work, their expected role and how confidentiality is ensured when necessary.

---

**Recommendation 9:** The committee should consider updating its communications strategy to further capitalise on its successful dissemination practices, while ensuring full alignment with corporate guidelines and new corporate communication tools and strategies.

---